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Plaintiff in Pro Se

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,  
  
Plaintiff,  
  
v.  
  
RIOT GAMES, INC.,  
  
Defendant.

Case No. 2:25-cv-00053-FMO-BFM

*Hon. Fernando M. Olguin*

**JOINT RULE 26(F) REPORT**

Date: March 6, 2025  
Time: 10:00 a.m.  
Crtrm.: 6D

Not the Judge

The stuff highlighted in blue is what the Plaintiff has had to add in after the bullying tactics of Riot’s legal team, who have engaged in unethical and deceitful practices making this report much longer than it should be. Then after being called out on their actions, they tried to finalize the report as they wanted it, without even asking me if I had finished. This was at 04:27 after I had stayed up all night with a sleeping disorder having to deal with their manipulation. I’ve been in the doctor’s and chemist all afternoon because I missed medication because of these distractions. I need to sleep now so I’m getting it sent as they have not replied to me.

“Lux, Andrew

Attachments

04:27 (14 hours ago)

to Aaron, Joshua, me

Marc,

We agree to your revisions and consider the Rule 26(f) report final. Please countersign and send back to us and we will file tomorrow.

Andrew”

Pursuant to the Federal Rules of Civil Procedure, Rule 26(f), the Local Rules for the Central District of California, Rule 26-1, and the Court’s January 30, 2025, Order Setting Scheduling Conference (Dkt. 34), plaintiff Marc Wolstenholme (“Wolstenholme”) and defendant Riot Games, Inc. (“Riot”) submit the following Joint Rule 26(f) Report. The parties held a virtual meeting via Zoom to discuss these issues pursuant to Rule 26(f) on February 13, 2025.

In light of Wolstenholme’s *pro se* status and the unique circumstances of this case, the parties jointly request that the court conduct a hearing on the scheduling

1 matters set forth in this report on the March 6, 2025, hearing date. As  
2 Wolstenholme currently resides in the United Kingdom, Riot is amenable to his  
3 request to appear remotely at the March 6, 2025, Scheduling Conference. In  
4 addition, as discussed below, the parties believe that this case would benefit from  
5 an early settlement conference before the Court  
6

## 7 STATEMENT OF THE CASE

8 On October 31, 2024, Wolstenholme filed a complaint against Riot for  
9 copyright infringement (direct and vicarious), unfair competition, and intentional  
10 infliction of emotional distress in the Superior Court for the County of Los Angeles.  
11 Dkt. 1, Exh. A. Because federal courts have exclusive jurisdiction over complaints  
12 alleging copyright infringement, Riot removed the action to this Court on January  
13 3, 2025. Dkt. 1. On January 10, 2025, Riot filed a motion to dismiss under FRCP  
14 12(b)(6) or, in the alternative, for a more definite statement under FRCP 12(e).  
15 Dkt. 7. Wolstenholme thereafter filed a First Amended Complaint (“FAC”) on  
16 January 13, 2025. Dkt. 11.

17 On January 27, 2025, Riot filed a motion to dismiss Wolstenholme’s FAC.  
18 Dkt. 19. Two days later, on January 29, 2025, Wolstenholme filed a motion for  
19 leave to amend the FAC (Dkt. 28) concurrently with filing a proposed Second  
20 Amended Complaint (“SAC”). Dkt. 27. On January 30, 2025, the Court denied  
21 Riot’s Motion to Dismiss the FAC as moot in light of Wolstenholme’s pending  
22 Motion for Leave to Amend. Dkt. 33. On February 18, 2025, the Court granted  
23 Wolstenholme’s Motion for Leave to Amend. Dkt. 52.  
24  
25

## 26 **Wolstenholme’s Position**

27 Plaintiff Marc Wolstenholme asserts claims for copyright infringement,  
28 unfair competition, and intentional infliction of emotional distress against Riot

1 Games, Inc., alleging unauthorized use of his copyrighted work, Bloodborg: The  
2 Harvest, in the Netflix series Arcane and spin-off products, shows, merchandise and  
3 material. Wolstenholme contends that Riot Games obtained direct access to his  
4 manuscript via:

5 Widespread dissemination of his manuscript submissions (around 100  
6 avenues listed in the Second Amended Complaint's EXHIBIT B- CHRONOLOGY  
7 OF WIDE DISSEMINATION AND ACCESS OF BLOODBORG: THE  
8 HARVEST.

9 Direct submission to Riot Forge's online submission portal who were  
10 soliciting narrative material (April 15 and April 19, 2020).

11 Submission to Curtis Brown Group (CBG), a subsidiary of United Talent  
12 Agency (UTA), which had substantial involvement in Arcane's development and an  
13 unusual monopoly of casting talent and screen time. Moreover, Jonny Geller and  
14 Felicity Blunt of CBG have long been suspected of Copyright Infringement of  
15 Plaintiff's work, and UK investigations have been initiated.

16 Plaintiff contends Riot executives, including key decision-makers for Arcane,  
17 reviewed submissions, including Plaintiff's manuscript, and soliciting and reading  
18 manuscripts for Arcane is confirmed by both Showrunners and Jane Chung  
19 (Executive Producer).

20  
21 Plaintiff further emphasizes that Riot's previous copyright registration  
22 defence is now moot following his formal copyright registration (Certificate TXu 2-  
23 470-268), effective February 14, 2025, under expedited processing.

24  
25 Plaintiff further emphasizes that PLAINTIFF'S EXHIBIT U -  
26 COUNTERARGUMENTS AGAINST INDEPENDENT CREATION, shows that  
27 Arcane could not reasonably have been independently created, as it demonstrates  
28 thousands of striking similarities matching his work, personal trauma and medical

1 records, Riot Games has a documented pattern of appropriating external material,  
2 Riot were soliciting and reading external material, for Arcane, Riot talked about not  
3 being able to make it work in Bridging the Rift, Riot's misleading and contradictory  
4 timelines and manipulation, and all of the backstories have been retconned.

5 Additionally, Plaintiff accurately predicted 42 out of 47 key plot points and  
6 narrative details of Arcane's second season based solely on Bloodborg, an 90%  
7 accuracy rate. Such a high correlation further underscores the Plaintiff's contention  
8 that Arcane substantially appropriated creative elements from Bloodborg. This level  
9 of accuracy significantly exceeds what could be reasonably attributed to  
10 coincidence or independent creation. That's without thousands of threads of  
11 evidence which have been analyzed and provided to the court.

12 Plaintiff acknowledges Riot's agreement to a settlement conference but  
13 strongly urges meaningful, good-faith participation. Plaintiff notes Riot's  
14 contradictory statements about settlement willingness, which Plaintiff interprets as  
15 procedural posturing detrimental to Plaintiff's emotional well-being due to anxiety-  
16 related impacts of litigation. Plaintiff warns that delays in settlement negotiations  
17 will result in increased settlement demands reflective of continuing damages.

**Legal Argument:**

Copyright Infringement and Access:

Access through Widespread Dissemination:

Three Boys Music Corp. v. Bolton, 212 F.3d 477, 482-83 (9th Cir. 2000)  
(holding widespread dissemination as sufficient circumstantial evidence of access).

Access through Intermediaries (Literary Agencies and Agents):

Art Attacks Ink, LLC v. MGA Entm't Inc., 581 F.3d 1138, 1143-44 (9th Cir.  
2009) (affirming that intermediary access via third-party agents or talent agencies  
can support an inference of access).

Substantial Similarity and Independent Creation:

Skidmore v. Led Zeppelin, 952 F.3d 1051, 1069-70 (9th Cir. 2020) (en banc)  
(explaining the analysis of substantial similarity in copyright infringement claims).

L.A. Printex Indus., Inc. v. Aeropostale, Inc., 676 F.3d 841, 848 (9th Cir.  
2012) (demonstrating how evidence of substantial similarity combined with access  
can rebut independent creation).

Plaintiff's Accurate Predictions (90% Accuracy):

Sid & Marty Krofft Television Productions, Inc. v. McDonald's Corp., 562  
F.2d 1157, 1164 (9th Cir. 1977) (affirming that a high degree of similarity between

works strongly supports inference of copying rather than coincidence or independent creation).

#### Retconning as Evidence of Appropriation:

Sheldon Abend Revocable Trust v. Spielberg, 748 F. Supp. 2d 200, 206 (S.D.N.Y. 2010) (retconning original content to align with later infringed material can be indicative of copying rather than independent creation).

#### Copyright Registration Issue (Now Moot):

Fourth Estate Pub. Benefit Corp. v. Wall-Street.com, LLC, 139 S. Ct. 881, 892 (2019) (establishing the requirement of completed registration before litigation commencement).

17 U.S.C. § 411(a) (establishing registration requirement).

Plaintiff's valid expedited registration (TXu 2-470-268) now meets this requirement.

#### Discovery and Preservation of Evidence:

Zubulake v. UBS Warburg LLC, 220 F.R.D. 212, 218 (S.D.N.Y. 2003) (highlighting the duty of litigants to preserve evidence relevant to litigation, particularly electronic metadata and communications).

#### Insurance and Settlement Negotiations:

1 Federal Rule of Civil Procedure 26(a)(1)(A)(iv) (mandatory disclosure of  
2 applicable insurance information).

3  
4 In re General Motors LLC Ignition Switch Litigation, No. 14-MD-2543  
5 (JMF), 2015 WL 221057, at \*2 (S.D.N.Y. Jan. 15, 2015) (holding disclosure of  
6 insurance coverage relevant for meaningful settlement negotiations).

7  
8 Good Faith Settlement Participation:

9  
10 Nick v. Morgan's Foods, Inc., 270 F. Supp. 2d 1135, 1139 (C.D. Cal. 2003)  
11 (emphasizing parties' obligation to engage in settlement conferences in good faith,  
12 not merely procedural formality).

13  
14 Damages related to Emotional Distress from Litigation:

15  
16 Molien v. Kaiser Foundation Hospitals, 27 Cal. 3d 916, 930 (1980) (recognizing  
17 emotional distress damages as recoverable where conduct exacerbates preexisting  
18 psychological vulnerabilities).

19 **Riot's Position**

20 Riot denies each of Wolstenholme's claims. With respect to Wolstenholme's  
21 copyright infringement claims, Riot contends that *Arcane* was created entirely  
22 independently of, and without reference to, "Bloodborg: The Harvest." Riot denies  
23 that it had access to Wolstenholme's manuscript, and has not seen the manuscript to  
24 this day, as Wolstenholme has not attached it to his complaint. Riot also denies that  
25 Wolstenholme's manuscript was widely disseminated at any point. In addition,  
26 Riot contends that Wolstenholme has not plausibly alleged substantial similarity  
27 between *Arcane* and any protectable elements appearing in "Bloodborg: The  
28 Harvest," and that the works are not substantially similar as a matter of law. Even



1 if Wolstenholme could establish access and substantial similarity, Riot contends  
2 that his claims will still fail because *Arcane* was independently created, which is an  
3 absolute defense to Wolstenholme's claims. Riot also contends that  
4 Wolstenholme's claim for vicarious infringement fails because his underlying  
5 claims for direct infringement fail. With respect to Wolstenholme's claim for  
6 unfair competition, Riot contends that this claim is preempted by the Copyright  
7 Act. Riot contends that Wolstenholme's claim for intentional infliction of  
8 emotional distress is barred by the statute of limitations, barred by the litigation  
9 privilege, and that Wolstenholme fails to allege any sufficiently outrageous or  
10 otherwise actionable conduct as a matter of law.

11  
12 **I. SUBJECT MATTER JURISDICTION**

13 This Court has exclusive jurisdiction over all actions arising under the  
14 Copyright Act. 28 U.S.C. § 1338(a). Wolstenholme asserts that the court has  
15 supplemental jurisdiction over his claims for unfair competition and intentional  
16 infliction of emotional distress. 28 U.S.C. § 1367.

17  
18 **Wolstenholme's Position on Copyright Registration**

19 The Plaintiff further emphasizes that Riot's previous copyright registration  
20 defence is now moot following his formal copyright registration (Certificate TXu 2-  
21 470-268), effective February 14, 2025, under expedited processing.

22 Wolstenholme contends that Riot's continued use of the registration  
23 argument is a delay tactic rather than a valid procedural defense. Wolstenholme  
24 further states that this is a pattern of bad faith and emotional frustration.

25  
26 **Riot's Position on Copyright Registration**

27 Riot contends that Wolstenholme's complaint should be immediately  
28 dismissed for failure to comply with the Copyright Act's registration requirement,

17 U.S.C. § 411(a). Wolstenholme has conceded that he has only “submitted a copyright registration application for Bloodborg: The Harvest, which remains pending.” Dkt. 38, at 2. However, in *Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC*, 586 U.S. 296, 309, 139 S. Ct. 881, 892, 203 L. Ed. 2d 147 (2019), the Supreme Court ruled that a plaintiff may not proceed with a claim for copyright infringement unless its work has been registered with the Copyright Office. Having filed an application is not sufficient. “Registration . . . has been made within the meaning of 17 U.S. C. sec. 411(a) not when an application for registration is filed, but when the Register has registered a copyright after examining a properly filed application.”

## 11 **II. LEGAL ISSUES**

12 The parties identify the following key legal issues:

- 13 1. Whether Riot had access to “Bloodborg: The Harvest”;
- 14 2. Whether *Arcane* and “Bloodborg: The Harvest” are substantially
- 15 similar in their protectable elements;
- 16 3. Whether Riot independently created *Arcane*; and
- 17 4. Whether and to what extent Wolstenholme is entitled to damages or
- 18 other relief.
- 19 5. Full discovery of all involved in *Arcane*.
- 20 6. Whether wider violations and complaints need to be raised.
- 21 7. Whether criminal procedures should follow.

## 23 **III. PARTIES AND EVIDENCE**

24 Plaintiff: Marc Wolstenholme is an individual who resides at 5 Shetland  
25 Close, Coventry, England, CV5 7LS.

27 Defendant: Riot Games, Inc., is a Delaware corporation headquartered in Los  
28

1 Angeles, California, and operates as a wholly-owned subsidiary of Tencent  
2 Holdings, Ltd.

3  
4 Key Relevant Evidence Anticipated by Plaintiff:

5  
6 Plaintiff's manuscript, Bloodborg: The Harvest, including registered  
7 copyright certificates.

8 Plaintiff's submissions and communications evidencing dissemination and  
9 access by Riot Games, Riot Forge, and associated literary agencies (Curtis Brown  
10 Group, Austin Macauley Publishers, and others).

11 Riot Games' internal development documents, scripts, storyboards, mood  
12 boards, and communications regarding the creation of Arcane, especially from the  
13 period between 2018 and 2021.

14 Evidence of revisions made to the scripts, maps, and visual materials of  
15 Arcane, particularly those made after Riot had direct or indirect access to  
16 Bloodborg: The Harvest.

17 Deposition testimony from Arcane's writers, producers, animators, voice  
18 actors, and staff involved in narrative and character development, as well as  
19 external agencies and talent representatives.

20 Financial records and agreements related to Riot's dealings with literary and  
21 talent agencies, especially UTA and Curtis Brown Group.

22 The Plaintiff's detailed breakdown of all of Arcane, exhibits A through U  
23 have been added to the SAC and many more will follow.

24 Plaintiff's checklist of discovery added to this Joint report.

25  
26  
27 Corporate Structure: Riot Games, Inc. is a Delaware corporation  
28 headquartered in Los Angeles, California, and is a wholly owned subsidiary of

1 Tencent Holdings, Ltd.

2  
3 Key Evidence: Critical evidence includes but is not limited to:

4  
5 Plaintiff's U.S. Copyright Registration Certificate for Bloodborg: The  
6 Harvest.

7 Plaintiff's submissions of Bloodborg to Riot Forge (April 2020), and many  
8 others, which directly provided Riot Games with access to Plaintiff's manuscript.

9 Documents evidencing the timing and nature of revisions made to Arcane's  
10 scripts and settings, particularly post-April 2020, which align closely with  
11 submissions of Bloodborg.

12 Detailed comparative analyses between specific elements from Bloodborg  
13 and substantially similar elements found in Arcane.

14 Testimonies or declarations from Plaintiff and Riot personnel regarding the  
15 creation and development processes of the works.

16 Importance of Evidence: The identified evidence will demonstrate Riot  
17 Games' direct or indirect access to Plaintiff's manuscript and establish substantial  
18 similarities that are quantitatively and qualitatively significant enough to invalidate  
19 Riot's anticipated defense of independent creation.

20  
21 **Wolstenholme's Position**

22 At this time, Wolstenholme identifies the following potential percipient  
23 witnesses:

24  
25 *Primary Witnesses (Direct Involvement in Arcane Production)*

26  
27 Nicolo Laurent (Former CEO of Riot Games, Greenlit the show)

28 Christian Linke (Showrunner, Arcane)

Alex Yee (Showrunner, Arcane)

Jane Chung Hoffacker (Executive Producer, Arcane)

Melinda Dilger (Global Head of Animation Production, Riot Games)

David Lysterly (Casting Director, Riot Games, conflicting timelines)

Monica Macer (Consulting Producer, Arcane)

Rowan Parker (Director of Riot Forge)

Alexis Wanneroy (Animation Supervisor at Fortiche Productions).

Amanda Overton (Writer, Arcane)

Alex Seaver (Music Composer, Riot Games/Fortiche)

Barthelemy Maunoury (Fortiche, Technical Production)

Kathy Cavaiola (Script Coordinator and VOManager)

*Actors & Voice Talent (Statements Regarding Arcane's Development)*

Ella Purnell (Jinx, represented by Curtis Brown Group, talks about things exclusive to Bloodborg and work beginning during covid- mid 2020)

Katie Leung (Caitlyn, represented by Curtis Brown Group)

Harry Lloyd (Viktor, represented by Curtis Brown Group)

Hailee Steinfeld (Vi, represented by UTA)

Jason Spisak (Silco, represented by UTA, provided insight into Arcane's late-stage script changes and recording process )

Kevin Alejandro (Jayce, represented by UTA)

Reed Shannon (Ekko, conflicting casting timelines)

Mia Sinclair Jenness (Powder, conflicting recording timelines)

JB Blanc (Vander, statements about late-stage script changes)

Katy Townsend (worked during Covid restrictions)

Toks Olagundoye (Proof of late 2020 recordings)

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*Agency Representatives (Curtis Brown & UTA - Key Links to Riot)*

Johnny Geller (Curtis Brown Group - Received Plaintiff's Manuscript)

Felicity Blunt (Curtis Brown Group - Received Plaintiff's Manuscript)

*UTA Representative (Involved in talent representation for Arcane)*

Legal & Administrative Personnel (Litigation-Related)

Aaron Moss (Attorney, Greenberg Glusker, Riot's Legal Team)

Andrew Lux (Attorney, Greenberg Glusker, Riot's Legal Team)

Josh Geller (Attorney, Greenberg Glusker, Riot's Legal Team)

Plaintiff disputes Riot's assertion that only Wolstenholme, Linke, and Yee are relevant witnesses, emphasizing the importance of testimony from a broader range of key individuals involved in Arcane's creation and development.

**Riot's Position**

At this time, Riot identifies the following potential percipient witnesses:

1. Marc Wolstenholme;
2. Christian Linke;
3. Alex Yee.
- 4.

**IV. INSURANCE**

Riot has an insurance policy that may cover Wolstenholme's claims, subject to a retention (deductible) that has not yet been satisfied. Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iv), Riot will produce for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**Wolstenholme's Position**

Plaintiff requests disclosure from Riot regarding its insurance coverage potentially applicable to claims, including:

The full insurance policy and relevant sections.

Policy limits and retention (deductible) information.

Communications between Riot and insurers regarding coverage for this litigation.

Riot's notification to insurers and insurers' participation in defense strategy and settlement discussions.

Plaintiff argues that the existence of insurance contradicts Riot's stated unwillingness to settle and insists Riot disclose relevant insurance details immediately to facilitate meaningful settlement discussions.

1 **V. MAGISTRATE JUDGE**

2 Plaintiff does NOT consent to a magistrate judge and requests that all  
3 proceedings remain before the assigned district judge for consistency, reliability  
4 and to aid his disclosed vulnerabilities and disabilities, to prevent further  
5 disadvantages.

6 **VI. DISCOVERY**

7 Pursuant to Rules 26(f)(2) and 26(f)(3), Local Rule 26-1(f), and the Court's  
8 Order Setting Scheduling Conference (Dkt. 34), the parties discussed a potential  
9 discovery plan, and whether discovery should be conducted in phases or be limited  
10 to or focused on particular issues.

11 **Wolstenholme's Position**

12 Wolstenholme has provided a checklist of which he plans to push discovery  
13 for. The plaintiff anticipates conducting full and wide discovery on all matters  
14 including written discovery and depositions into the legal issues discussed above  
15 relating to Riot's alleged infringement and potential damages. In particular,  
16 Wolstenholme anticipates conducting discovery on the following issues:

17 (a) The role of Curtis Brown Group and United Talent Agency (UTA) in  
18 the development of Arcane.

19 (b) The full timeline of Arcane's development, including script revisions and  
20 internal communications regarding manuscript reviews.

21 (c) Evidence of submitted manuscripts, including Riot's handling of third-  
22 party literary submissions from 2018-2024.

23 (d) Riot's internal communications regarding narrative development,  
24 character creation, and thematic direction.

25 (e) Financial agreements related to Riot's engagement with talent agencies,  
26 including Curtis Brown Group and UTA, and potential "quid pro quo"  
27 arrangements related to cast selection.  
28



(f) Statements from all cast members and behind the scenes members of Arcane.

(g) Riot Forge servers Metadata.

(h) Statements from all Fortiche Production SAS employees who worked on Arcane, and evidence of the development of Arcane, including storyboard development and all production steps.

The plaintiff has provided a wider checklist of Discovery, added as an exhibit.

The Plaintiff does not agree to limiting discovery nor bifurcation and states that this case should be conducted and concluded on its merits without favor or limitations, and any restrictions are attempts at circumnavigating the law and processes at the expense of justice.

Furthermore, the Plaintiff asserts that his SAC and the exhibits A-U close the arguments of: Access, Copyright Registration and Independent Creation and to keep reverting back to these issues is a waste of the court's, and the Plaintiff's, time and resources. These are perceived to be delay tactics.

### **Legal Citations to support Discovery:**

#### **Scope and General Right to Broad Discovery:**

Federal Rule of Civil Procedure 26(b)(1) (establishing broad scope of permissible discovery to include any nonprivileged matter relevant to claims or defenses).

Hickman v. Taylor, 329 U.S. 495, 507 (1947) (emphasizing the liberal policy favoring broad discovery).

#### **Opposition to Bifurcation and Limitations on Discovery:**

1  
2 Hangarter v. Provident Life & Acc. Ins. Co., 373 F.3d 998, 1021 (9th Cir.  
3 2004) (affirming broad discretion of the court in managing discovery, generally  
4 favoring comprehensive discovery absent clear justification for bifurcation).

5  
6 In re Cathode Ray Tube (CRT) Antitrust Litig., 281 F.R.D. 531, 532-33  
7 (N.D. Cal. 2012) (denying motion to bifurcate discovery, citing inefficiency and  
8 potential prejudice).

9  
10 Duty to Preserve Evidence and Metadata Discovery:

11  
12 Zubulake v. UBS Warburg LLC, 220 F.R.D. 212, 217-18 (S.D.N.Y. 2003)  
13 (establishing standard for preservation of electronic discovery, including server  
14 metadata).

15  
16 Federal Rule of Civil Procedure 34(a)(1)(A) (allowing discovery of  
17 electronically stored information, including metadata).

18  
19 Discovery into Third-Party Communications and Financial Agreements:

20  
21 Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 351 (1978) (allowing  
22 discovery of third-party agreements and financial documents if reasonably  
23 calculated to lead to the discovery of admissible evidence).

24  
25 Seattle Times Co. v. Rhinehart, 467 U.S. 20, 30 (1984) (recognizing that  
26 discovery can reach financial arrangements and third-party relationships where  
27 relevant to the claims).

1 Discovery Related to Narrative Development and Creative Process:

2  
3 Metcalf v. Bochco, 294 F.3d 1069, 1075 (9th Cir. 2002) (affirming discovery  
4 related to the development and revision process of allegedly infringing works).

5  
6 Depositions and Witness Statements:

7  
8 Federal Rule of Civil Procedure 30(a)(1) (permitting depositions of parties  
9 and witnesses without leave of court).

10  
11 Federal Rule of Civil Procedure 26(a)(3)(A)(i) (requiring identification of  
12 individuals likely to have discoverable information).

13  
14 Rejection of Repetitive or Delaying Tactics:

15  
16 Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1368 (11th Cir. 1997)  
17 (criticizing tactics intended to delay discovery or unnecessarily prolong litigation).

18  
19 In re Phenylpropanolamine (PPA) Prod. Liab. Litig., 460 F.3d 1217, 1227  
20 (9th Cir. 2006) (discouraging repetitive litigation tactics as wasteful of judicial  
21 resources).

22  
23 These citations support Plaintiff's stance on comprehensive and thorough  
24 discovery, opposition to bifurcation, the importance of evidence preservation, and  
25 preventing delay tactics.

**Riot's Position**

Riot anticipates conducting written discovery and depositions into the legal issues discussed above relating to access, substantial similarity, and damages. However, Riot anticipates filing a motion to bifurcate discovery to allow an initial phase as to access, with all other discovery stayed pending further order of the Court, and to permit Riot to file an initial motion for summary judgment limited to the potentially dispositive issue of access, without prejudice to Riot filing a second motion for summary judgment as to other issues after the close of remaining discovery should the initial motion be denied. *See Changing World Films LLC v. Parker*, No. CV 22-9021-DMG (PVCX), 2024 WL 4744006, at \*2 (C.D. Cal. Mar. 12, 2024) (Gee, J.) (finding bifurcation on the issue of access would promote efficiency as a discrete and dispositive issue that “will save significant time and resources for both sides.”).

***Wolstenholme's Additional Concerns Regarding Discovery:***

Wolstenholme objects to Riot's attempt to bifurcate discovery by limiting the initial scope to the issue of “access.” Wolstenholme maintains that discovery should proceed on all issues simultaneously, including substantial similarity and damages.

Wolstenholme also raises concerns about data retention, given that Riot Forge has been shut down and key personnel have left Riot during these proceedings. Wolstenholme contends that there is a substantial risk that relevant documents may be deleted or altered, which Wolstenholme asserts is an ongoing pattern of timeline manipulation by Riot.

***Riot's Response to Wolstenholme's Additional Concerns:***

Riot informed Wolstenholme during the Rule 26(f) conference that Riot has taken and continues to take all necessary steps to preserve potentially relevant information.

1           **A. Initial Disclosures**

2           Wolstenholme proposes that the parties exchange initial disclosures by  
3 February 20, 2025. Riot objects to an initial disclosure deadline that deviates from  
4 FRCP 26(a)(1)(C), which provides that the parties “must make the initial  
5 disclosures at or within 14 days after the parties’ Rule 26(f) conference unless a  
6 different time is set by stipulation or court order.” Riot will make its initial  
7 disclosures in conformity with the time period set forth in FRCP 26(a)(1)(C).  
8

9           **B. Manual for Complex Litigation**

10          The parties agree that the procedures set forth in the Manual for Complex  
11 Litigation do not apply to this case at this point.

12          Should concurrent criminal proceedings or additional charges be introduced,  
13 Plaintiff believes specialized management procedures outlined in the Manual for  
14 Complex Litigation (Fourth) may become applicable. Plaintiff respectfully requests  
15 the Court’s guidance on whether adopting these procedures would promote efficient  
16 and effective case management.  
17

18           *Complexity indicators:*

19          International aspects (Plaintiff based in the UK, Defendant in the US).

20          Potentially extensive discovery, especially electronic discovery and metadata  
21 analysis.

22          Depositions involving high-profile witnesses and significant third-party  
23 involvement (literary agencies, talent agencies, production companies, actors).

24          Potential for intricate legal arguments on independent creation, substantial  
25 similarity, and damages analysis.  
26  
27  
28

Plaintiff's mental health vulnerabilities, including dyslexia, Complex PTSD, anxiety, and related disabilities, which may impact case management and procedural considerations.

Defendant's bad faith and worrying history of dishonesty and IP misappropriation.

**C. Proposed Case Schedule**

Pursuant to Local Rule 26-1(f), the parties discussed a proposed case schedule. Their respective positions are set forth below.

***Wolstenholme's Proposed Case Schedule:***

Wolstenholme believes that discovery should commence on May 1, 2025 and that all other dates, including motion deadlines and trial dates, may be set by the Court as it sees fit.

***Riot's Proposed Case Schedule:***

As discussed above, Riot proposes a bifurcated schedule, focusing first on access, and then (if necessary) on the balance of the issues in the case. In the event the that the case is not dismissed in its entirety and the Court grants Riot's Motion to Bifurcate, Riot proposes the following schedule:

Event	Date
Last Day for Early Mandatory Settlement Conference	May 16, 2025
Close of Fact Discovery on Access	June 6, 2025
Summary Judgement Deadline re Access	July 18, 2025
Summary Judgment Opposition re Access	August 8, 2025
Summary Judgment Reply re Access	August 29, 2025
Summary Judgment Hearing re Access	As set by the Court

Should the Court deny Riot's Motion to Bifurcate, or alternatively grant Riot's Motion to Bifurcate but deny Riot's Motion for Summary Judgment

1 regarding access, Riot's proposes the following schedule, taking into account the  
 2 fact that, absent bifurcation, this case will be costly and time-consuming to litigate.  
 3 While the issue of access would be limited to discovery of just two or three  
 4 percipient witnesses and a limited time period, more expansive fact discovery  
 5 would be needed on the other issues in the case—including substantial similarity,  
 6 independent creation, secondary liability and damages. Significant expert  
 7 discovery may be needed for the substantial similarity inquiry, whereas no experts  
 8 would be needed for the access issue. It is unrealistic to conduct this voluminous  
 9 discovery on the truncated schedule proposed by Wolstenholme:

Event	Date
Non-Expert Discovery Cut-Off (includes hearing of discovery motions)	February 6, 2026
Initial Expert Disclosures and Reports	February 27, 2026
Rebuttal Expert Disclosures and Reports	March 20, 2026
Close of Expert Discovery	April 20, 2026
Dispositive Motion Cut-Off (filing deadline)	May 11, 2026
Dispositive Motion Oppositions	June 1, 2026
Dispositive Motion Replies	June 22, 2026
Last Day to File Motions <i>in Limine</i>	August 26, 2026
Opposition to Motions <i>in Limine</i>	September 2, 2026
Final Pretrial Conference	September 16, 2026
Trial Date	October 19, 2026

## 25 VII. MOTIONS TO AMEND OR TRANSFER

26 At this time, Riot Games does not anticipate any motions seeking to add  
 27 other parties or claims or transfer venue. On January 29, 2025, Wolstenholme filed  
 28 a Motion for Leave to File a SAC (Dkt. 28). Riot filed its Opposition to

1 Wolstenholme's Motion for Leave to Amend on February 5, 2025. Dkt. 36. On  
2 February 18, 2025, the Court granted Wolstenholme's Motion for Leave to Amend.  
3 Dkt. 52.

4 In Wolstenholme's SAC, he has listed POTENTIAL ADDITIONAL  
5 CLAIMS, as stated:

6 The Plaintiff reserves the right to amend this complaint to include additional  
7 causes of action as discovery progresses. At this time, the Plaintiff is considering,  
8 but has not yet formally filed, additional claims for:

- 9 1. Fraudulent Misrepresentation (Cal. Civ. Code § 1709)
- 10 2. Misappropriation of Trade Secrets (Cal. Civ. Code § 3426)
- 11 3. Unjust Enrichment (Common Law)
- 12 4. Fraudulent Inducement (Cal. Civ. Code § 1572)
- 13 5. False Designation of Origin (Lanham Act - 15 U.S.C. § 1125(a))
- 14 6. Negligent Infliction of Emotional Distress (NIED) (Cal. Civ. Code § 1714)
- 15 7. Civil Conspiracy to Commit Fraud (Common Law)
- 16 8. Disability Discrimination & Retaliation (ADA - 42 U.S.C. § 12101)
- 17 9. Spoliation of Evidence (Cal. Code of Civ. Proc. § 2023.030)
- 18 10. Unfair Business Practices (Cal. Bus. & Prof. Code § 17200)
- 19 11. Assortment of other civil and criminal claims around the globe,  
20 predominantly in the UK and Europe, including claims against Fortiche, claims of  
21 violations under The European Convention on Human Rights (ECHR) and criminal  
22 proceedings.

23 These claims are currently being evaluated based on the Defendant's conduct  
24 and may be formally added through an amended complaint as these cases progress,  
25 if warranted. The Plaintiff will continue to assess Riot Games' actions, including  
26 potential fraudulent misrepresentation and violations of trade secret protections, and  
27 additional harm caused, before finalizing these claims.  
28



1 **VIII. CLASS CERTIFICATION**

2 The parties agree that a class certification is inapplicable.

3 **IX. DISPOSITIVE MOTIONS**

4 Riot anticipates filing a motion to dismiss Wolstenholme's SAC on the  
5 grounds that, *inter alia*, Wolstenholme has (1) failed to comply with the Copyright  
6 Act's registration requirement; (2) failed to plausibly allege that Riot had access to  
7 his work; and (3) failed to plausibly allege substantial similarity of any protected  
8 expression. Riot also anticipates filing motions for summary judgment on issues  
9 including access, substantial similarity, and independent creation.

10  
11 **Plaintiff's Response to Defendant Riot Games, Inc.'s Anticipated**  
12 **Dispositive Motions**

13  
14 Plaintiff Marc Wolstenholme hereby provides his preliminary response to  
15 Riot Games, Inc.'s anticipated dispositive motions as stated in the Joint Rule 26(f)  
16 Report:

17  
18 1. Response to Motion to Dismiss on Copyright Registration

19  
20 Riot contends Plaintiff's claims must be dismissed due to noncompliance  
21 with copyright registration requirements. However, Plaintiff has secured formal  
22 copyright registration (Certificate TXu 2-470-268), effective February 14, 2025,  
23 through expedited procedures requested due to pending litigation. Therefore, Riot's  
24 continued reliance on this argument is moot and constitutes an unnecessary  
25 procedural delay.

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Supporting Citation:

Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC, 139 S. Ct. 881, 892 (2019).

2. Response to Motion to Dismiss on Access

Plaintiff asserts substantial evidence supporting Riot’s access to his manuscript, Bloodbrog: The Harvest, including:

Direct Submission Evidence: Plaintiff directly submitted his manuscript to Riot Forge's narrative portal on April 15 and April 19, 2020.

Third-party Agency Submissions: Plaintiff’s manuscript was submitted through Curtis Brown Group (CBG), a subsidiary of United Talent Agency (UTA), agencies deeply involved in Arcane’s casting and production. Plaintiff will present testimony and documentary evidence supporting these claims during discovery.

Widespread Dissemination: Approximately 100 avenues of dissemination, documented explicitly in Plaintiff’s Second Amended Complaint, substantiate the reasonable probability of Riot's access.

Supporting Citations:

Three Boys Music Corp. v. Bolton, 212 F.3d 477, 482-83 (9th Cir. 2000).

Art Attacks Ink, LLC v. MGA Entm't Inc., 581 F.3d 1138, 1143-44 (9th Cir. 2009).

### 3. Response to Motion to Dismiss on Substantial Similarity

Plaintiff maintains that substantial similarity between Bloodborg and Arcane significantly surpasses the threshold required for plausible infringement claims. Plaintiff's Exhibits A-U clearly illustrate detailed, unique, and complex similarities between both works, significantly exceeding coincidental similarity or genre tropes.

Supporting Citations:

Skidmore v. Led Zeppelin, 952 F.3d 1051, 1069-70 (9th Cir. 2020).

Metcalf v. Bochco, 294 F.3d 1069, 1075 (9th Cir. 2002).

### 4. Response to Motion for Summary Judgment

Should Riot move for summary judgment on issues including access, substantial similarity, or independent creation, Plaintiff anticipates presenting compelling factual evidence obtained through discovery, depositions, internal communications, and expert analysis, demonstrating:

Documented timelines, internal communications, and manuscript

1 submissions directly refuting independent creation claims.

2  
3 Expert analysis comparing character arcs, thematic elements, plot points, and  
4 trauma-writing techniques.

5  
6 Detailed metadata and third-party communications confirming Riot's receipt  
7 and review of Plaintiff's manuscript submissions.

8  
9 Supporting Citations:

10  
11 Federal Rule of Civil Procedure 56(d) (allowing time for discovery to  
12 adequately respond to summary judgment).

13  
14 L.A. Printex Indus., Inc. v. Aeropostale, Inc., 676 F.3d 841, 848 (9th Cir.  
15 2012).

16  
17 Metcalf v. Bochco, 294 F.3d 1069, 1075 (9th Cir. 2002).

18  
19 Plaintiff firmly believes Riot's anticipated dispositive motions lack merit and  
20 urges the court to reject these procedural barriers, thus allowing the case to proceed  
21 on its substantive merits without undue delay.

22  
23 **X. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION (ADR)**

24 The parties have mutually selected Alternative Dispute Resolution (ADR)  
25 Procedure No. 1, which involves a settlement conference with the district judge  
26 assigned to this case, pursuant to Local Rule 16-15.4.

27  
28 **Plaintiff's Position:** Plaintiff agrees to participate in a settlement conference

1 facilitated by the assigned district judge. Plaintiff emphasizes that participation  
2 should reflect genuine willingness to negotiate and not serve merely as procedural  
3 posturing. Plaintiff asserts significant confidence in the merits of his claims,  
4 supported by extensive evidence and detailed documentation, and anticipates a  
5 favorable outcome should this matter proceed to summary judgment or trial.  
6 Plaintiff further notes that delays or procedural tactics by Riot exacerbate Plaintiff's  
7 emotional distress, anxiety, and associated damages, which may result in increased  
8 settlement demands reflective of ongoing harm. Plaintiff states his willingness to  
9 attend ADR aimed at early favorable settlements and not at intimidation.  
10

11 **Defendant's Position:** Riot Games believes an early settlement conference  
12 facilitated by the Court or a Magistrate Judge would be beneficial to assess the  
13 merits of Plaintiff's claims objectively. Riot asserts significant skepticism regarding  
14 the validity of Plaintiff's allegations, the existence of potential damages, and  
15 Plaintiff's likelihood of success at summary judgment or trial.  
16

17 **Areas of Fundamental Disagreement:**

18 The parties acknowledge fundamental disagreement regarding:

19 The factual and legal merit of Plaintiff's allegations.

20 The potential damages Plaintiff seeks.

21 The prospects of Plaintiff's success at summary judgment or trial.  
22

23 Given these significant disagreements, the parties seek the Court's assistance  
24 through an early settlement conference, aimed at clarifying the legal and factual  
25 issues and facilitating meaningful settlement discussions.  
26  
27  
28

1 **XI. PRETRIAL CONFERENCE AND TRIAL**

2 **Wolstenholme's Proposal:** Wolstenholme proposes that the Final Pretrial  
3 Conference and Trial should be set by the Court and should be set at the soonest  
4 opportunity to prevent further hardship and wellbeing concerns.

5 **Riot's Proposal:** Riot proposes the following deadlines:

- 6 • Final Pretrial Conference: **September 16, 2026**
- 7 • Trial: **October 19, 2026**

8 **XII. TRIAL ESTIMATE**

9 Riot expect that the trial will last approximately 4-6 days.

10  
11 Plaintiff - Given the extensive scope of discovery, the significant number of high-  
12 profile witnesses, substantial documentary and digital evidence, and the complexity  
13 of legal issues involved, Plaintiff estimates that trial proceedings will realistically  
14 require approximately 10-15 court days to adequately present evidence and  
15 testimony, if no extra charges are added.

16 **XIII. TRIAL COUNSEL**

17 Wolstenholme intends to represent himself at trial. Riot will be represented at  
18 trial by Aaron Moss and Joshua Geller.

19 **XIV. INDEPENDENT EXPERT OR MASTER**

20 Riot states that this is not a case that would benefit from the appointment of a  
21 master pursuant to Fed. R. Civ. P. 53 or an independent scientific expert.

22  
23 Plaintiff reserves the right to reconsider the appointment of an independent  
24 expert or special master pursuant to Fed. R. Civ. P. 53 if complexities arise during  
25 discovery, particularly regarding electronic discovery, forensic metadata analysis,  
26 or medical records interpretation, that would benefit from specialized oversight or  
27 independent evaluation, such as a psychological expert testimony related to trauma,  
28 or criminal, or other oversight.

1 **XV. OTHER ISSUES**

2 OTHER ISSUES

3  
4 Plaintiff Wolstenholme has formally requested that his Discovery Checklist  
5 (Exhibit A), Conference Notes (Exhibit B), and Witness List (Exhibit C) be  
6 attached to this report. Riot has consented to attaching these exhibits to avoid  
7 dispute.

8  
9 Additionally, Plaintiff requests:

10  
11 Confirmation from Riot, in writing, that all documents, communications, and  
12 electronically stored information (ESI) relevant to the creation and production of  
13 Arcane will be preserved, and no further deletion or alteration will occur.

14 Clarification from Riot regarding its intentions for good-faith participation in  
15 settlement negotiations to avoid unnecessary procedural delays and additional  
16 damages arising from protracted litigation.

17 Immediate disclosure from Riot regarding insurance policies and coverage  
18 limits applicable to this litigation pursuant to Federal Rule of Civil Procedure  
19 26(a)(1)(A)(iv).

20 Immediate preservation and retrieval of Christian Linke's planning,  
21 development, board meeting minute's discussing the approval and financing of  
22 Arcane, internal memos, emails, and slack communications referencing the show's  
23 production. Linke has reportedly resigned, but it remains unclear if he is still  
24 working at Riot in a different role. Please also clear up whether he is or is not still  
25 working for Riot.

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Respectfully submitted,

DATED: February 27, 2025

GREENBERG GLUSKER FIELDS  
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DATED: February 27, 2025

By: M. WOLSTENHOLME  
MARC WOLSTENHOLME  
Plaintiff in Pro Se